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FACSIMILE CERTIFICATE

I hereby certify that this correspondence is being filed as a first class mail, addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450. on

January 28, 2005

Agata Glinska



N THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT : Dieter Neuser et al.  
SERIAL NO. : 09/402,737  
CUSTOMER NO. : 27384  
FILED : October 8, 1999  
FOR : Analgesic Combination  
ART UNIT : 1615  
EXAMINER : George M. Konata

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**

SIR:

Pursuant to 37 CFR §§ 1.56, 1.97 and 1.98, Applicants respectfully request that the Examiner consider the references listed on the attached Form PTO-1449.

**I. Timeliness, Fees and Certifications in lieu of Fees**

A. This information disclosure statement is being filed within three months of the filing date of the application, or within three months of entry into the national stage, or before the mailing of a first Office Action on the merits. Pursuant to 37 CFR § 1.97(b), consideration of this information disclosure statement does not require a fee or a statement under 37 CFR § 1.97(e). However, should the Assistant Commissioner determine that a fee is, in fact, due, the

Assistant Commissioner is hereby authorized to charge the fee to Deposit Account No. 14-1263.

B. This information disclosure statement is being filed after the period in A above, but before the mailing of either a final action or a notice of allowance. Pursuant to 37 CFR § 1.97(c), consideration of this information disclosure statement requires a fee or a statement under 37 CFR § 1.97(e):

1. The Assistant Commissioner is hereby authorized to charge the fee set forth in 37 CFR § 1.17(p) to Deposit Account No. 14-1263.

2. Applicants hereby state that each item of information contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement.

3. Applicants hereby state that no item of information contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign patent application, and, to the knowledge of the undersigned after making reasonable inquiry, no item of information contained in this information disclosure statement was known to any individual designated in 37 CFR § 1.56 more than three months prior to the filing of this information disclosure statement.

C. This information disclosure statement is being filed after the period specified in B above, but on or before the payment of the issue fee. Pursuant to 37 CFR § 1.97(d), consideration of this information disclosure statement requires a petition, which Applicants hereby request, and payment of the petition fee, which is set forth in 37 CFR § 1.17(i), and which the Assistant Commissioner is hereby authorized to charge to Deposit Account No. 14-1263. Consideration of this information disclosure statement also requires a statement under 37 CFR § 1.97(e):

1. Applicants hereby state that each item of information contained in this

information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement.

2. Applicants hereby state that no item of information contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign patent application, and, to the knowledge of the undersigned after making reasonable inquiry, no item of information contained in this information disclosure statement was known to any individual designated in 37 CFR § 1.56 more than three months prior to the filing of this information disclosure statement.

## **II. Copies of Listed References**

A. Copies of all references listed on the attached Form PTO-1449 are being supplied. Copies of U.S. patents are not included pursuant to Pre-OG Notice dated July 11, 2003.

B. Copies of all references listed on the attached Form PTO-1449 have already been supplied during the prosecution of prior application Serial No. \_\_\_\_, filed \_\_\_\_, from which the present application claims priority pursuant to 35 USC § 120. Therefore, pursuant to 37 CFR § 1.98(d), copies of the references listed on the attached Form PTO-1449 are not now being supplied.

C. This application is a PCT national stage application, all references listed on the attached Form PTO-1449 were cited in the international search report, and PCT/DO/EO/903 indicates that both the international search report and the copies of the references listed on the attached Form PTO-1449 are in this national stage file. Therefore, copies of the references listed on the attached Form PTO-1449 are not now being supplied.

### **III. Concise Statement of Relevance**

A. All references listed on the attached Form PTO-1449 are in the English language, and, therefore, a concise statement of relevance is not required.

B. All references listed on the attached Form PTO-1449 were cited by the German Patent Office.

The Examiner will note that English language counterparts or Abstracts of non-English language references are where available are enclosed.

C. All references listed on the attached Form PTO-1449 were cited in the search report issued by the \_\_\_\_\_ Patent Office, and an English-language version of that search report, which indicates the degree of relevance found by that Patent Office, is attached.

D. This application is a PCT national stage application, all references listed on the attached Form PTO-1449 were cited in the international search report, and a copy of that search report, which indicates the degree of relevance found by the International Search Authority, is attached.

E. All listed on the attached Form PTO 1449 were cited during the prosecution of the prior application indicated above under II.B.

### **IV. Additional Information**

A. In addition to the references listed on the attached Form PTO-1449, Applicants wish to bring to the attention of the Examiner the following abandoned or co-pending U.S. patent applications:

[Pursuant to 37 CFR § 1.98(a)(2)(iii), copies of these applications are not being submitted.]

B. In addition of the references listed on the attached Form PTO-1449, Applicants wish to bring to the attention of the Examiner the information provided on the attached sheet.

Consideration of the foregoing in relation to this application is respectfully requested.

Respectfully submitted,

NORRIS MC LAUGHLIN & MARCUS, P.A.

By 

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|---|--|---|--|----------------------------|--|
| <b>LIST OF PATENTS AND PUBLICATIONS</b><br><b>APPLICANT'S INFORMATION</b><br><b>DISCLOSURE STATEMENT</b><br>(Form PTO-1449) |  | Attorney Docket: 100717-79/<br>Bayer 10,197.3 |  | Serial No.: 09/402,737     |  |
|   |  | Applicant: Dieter Neuser et al.               |  | Examiner: George M. Konata |  |
|   |  | Filing Date: October 8, 1999                  |  | Group: 1616                |  |
|   |  |   |  |                            |  |

JAN 31 2005

**U.S. PATENT DOCUMENTS**

| Initial | Document Number | Date | Name | Class | Sub Class | Filing Date<br>If appropriate |
|---------|-----------------|------|------|-------|-----------|-------------------------------|
| AA      |                 |      |      |       |           |                               |
| AB      |                 |      |      |       |           |                               |
| AC      |                 |      |      |       |           |                               |

**FOREIGN PATENT DOCUMENTS**

|  |    | Document Number | Date     | Country | Class | Sub Class | Translation<br>Yes      No |
|--|----|-----------------|----------|---------|-------|-----------|----------------------------|
|  | AD | EP 0 535 841 A1 | 04/07/93 | Europe  | A61K  | 31/485    | X                          |
|  | AE | EP 0 722 720 A1 | 07/24/96 | Europe  | A61K  | 9/20      | X*1                        |
|  | AF | WO 96/07400     | 03/14/96 | World   | A61K  | 9/22      | X*2                        |
|  | AG | 0 418 565 A2    | 03/27/91 | Europe  | A61K  | 31/65     | X*3                        |
|  | AH |                 |          |         |       |           |                            |
|  | AI |                 |          |         |       |           |                            |

**OTHER PRIOR ART (Including Author, Title, Date, Pertinent Pages, Etc.)**

|    |  |
|----|--|
| AJ |  |
| AK |  |

**EXAMINER:****DATE CONSIDERED:**

- EXAMINER: Initial if Reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformation and not considered, include copy of this form with next communication to applicant.

\*1 English language equivalent of PL 183 330

\*2 English language equivalent of PL 186 745

\*3 English language equivalent of PL 164 770